

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claim 29 has been amended. Support for the claim amendments may be found in the specification and claims as originally filed. No new matter has been added.

Claims 1-19 and 21-40 are pending. Claim 20 was previously canceled. Claims 1-6, 14-15, 19, 21-27, 28 and 30-40 have been withdrawn from further consideration as being drawn to non-elected claims.

Upon entry of this amendment, claims 7-13, 16-18 and 29 are presented for further examination, with claims 7, 16 and 29 being independent.

1. Election/Restriction

Applicants thank the Examiner for confirming on page 2 of the Office Action that the restriction requirement of April 6, 2007, was timely traversed by applicants in the reply filed on May 4, 2007.

The Office Action asserts “a complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP 821.01.” However, applicants note that the Office Action mailed on July 24, 2007, is a non-final Office Action, not a final rejection as indicated.

Additionally, the Office Action on page 2 incorrectly asserts that applicants elected with traverse claims 1-6, 14-15, 19, 21-27 and 28, in the reply filed on May 4, 2007. On the contrary, applicants elected with traverse Group II, claims 7-13, 16-18 and 29, in the reply filed on May 4, 2007.

Applicants disagree with the reasons stated in the Office Action for deeming the restriction requirement proper, and fully retain their right to petition from the restriction requirement under 37 CFR 1.144.

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2. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 7-13, 16, 18 and 29 under 35 U.S.C. §102(e) as being anticipated by Hansen et al. (U.S. Patent Pub. No. 2002/0038456). Applicants respectfully traverse this rejection for at least the following reasons.

Hansen et al. discloses a system for capturing and distributing media content over a computer network. Specifically, Hansen et al. is directed to the capture of video clips, still images and other media to support the aggregation of video information to populate special-interest channels known as microchannels (see paragraph 26; Figure 2). The system is capable of detecting specific content that is of interest to the viewing audience of a specific microchannel, wherein the detection of the interesting content triggers the system to capture the content. Hansen et al. specifically contrasts microchannels, which provide video that cater to very specific viewer interests, from broadcast channels, which are intended for a widespread audience (see paragraphs 6 and 7). In fact, one of the objectives for the system in Hansen et al. is to specifically target video content towards a microchannel audience in an economically viable way, which is difficult since large or even moderate production budgets are difficult to support based on the limited size of the microchannel audience (see paragraphs 7 and 9). Therefore, the system disclosed in Hansen et al. relates to the capture and distribution of media content to be used in a microchannel stream, but is not applicable to broadcast television.

As a result, Hansen et al. fails to teach or suggest at least the elements of a method for presenting enhanced broadcast television programming comprising receiving a schedule for a plurality of broadcast television listings, as included in independent claim 7. Similarly, Hansen et al. fails to disclose or suggest at least the elements of a client system for receiving a broadcast television navigation service comprising means for receiving broadcast television programming, as included in independent claim 16. Hansen et al. also fails to disclose or suggest at least the elements of a method for delivering enhanced broadcast television programming data comprising receiving a schedule for a plurality of broadcast television listings, each of the plurality of television listings including a unique event identifier, as included in independent claim 29.

Additionally, Hansen et al. fails to disclose or suggest at least the elements of presenting

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a visual cue based on the IP data on a video display, as included, in some form, in claims 7 and 29. Instead, Hansen et al. merely discloses detecting appearance events through random visual cues, such as changes in scene appearance (see paragraph 52). The visual cues disclosed in Hansen et al. appear to be random events, and are in no way based on IP data associated with a broadcast television listing. Moreover, detecting visual cues is not the same as presenting a visual cue based on IP data associated with a broadcast television listing.

Therefore, since Hansen et al. does not teach, or even suggest, each and every element of independent claims 7, 16 and 29, these claims are not anticipated by Hansen et al. and are allowable.

Claims 8-13 depend from claim 7. Claim 18 depends from claim 16. As discussed above, claims 7 and 16 are allowable. For at least this reason, and the features recited therein, claims 8-13 and 18 are also allowable.

Furthermore, in regards to claim 18, the Office Action on page 5 asserts that Hansen et al. discloses the elements recited therein. However, it appears that the Examiner has misread the elements of claim 18, which recites:

The invention as in claim 16 further comprising a digital video recording apparatus disposed to record one or more of the received broadcast television programming (emphasis added).

The Office Action fails to establish a prima facie showing that Hansen et al. discloses a digital video recording apparatus disposed to record received broadcast television programming, as included in claim 18.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 7-13, 16, 18 and 29 under 35 U.S.C. §102(e) are respectfully requested.

3. Rejections Under 35 U.S.C. §103

The Office Action rejects claim 17 under 35 U.S.C. §103(a) as being unpatentable over Hansen et al. in view of Dougherty et al. (U.S. Patent 7,028,327). Applicants respectfully traverse this rejection for at least the following reasons.

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As discussed above, Hansen et al. fails to disclose or suggest all of the elements of independent claim 16. Dougherty et al. discloses an electronic program guide (EPG) in a broadcast system used to determine what broadcast program is on a given channel at a given time in a given location (see abstract). However, even if Dougherty et al. discloses broadcast television, the system disclosed in Hansen et al. is specifically directed to microchannels and is not applicable to broadcast television, as discussed above. Therefore, modifying the system in Hansen et al. to process broadcast television listings would render the system in Hansen et al. unsatisfactory for its intended purpose. Consequently, combining the teachings of Hansen et al. and Dougherty et al. in asserting that claim 16 is unpatentable would be improper (see MPEP 2143.01(V)). For at least this reason, claim 16 is allowable over Hansen et al. in view of Dougherty et al.

Claim 17 depends from claim 16. As discussed above, claim 16 is allowable. For at least this reason, and the additional features recited therein, claim 17 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. §103(a) are respectfully requested.

4. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: October 22, 2007

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